

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**Plaintiffs**

THERESA MARIE SIMEONE, et al.,

v.

**Defendants**

BOMBARDIER-ROTAX GmbH, et al.,

---

CIVIL ACTION NO.: 2:02-cv-04852-  
(BMS)

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration of the motion of Defendants Bombardier Corporation and Bombardier Inc. for Pro Hac Vice Admission of Kelly A. Waters, Esquire, it is hereby ordered that Defendants motion is ~~GRANTED. Ms. Waters is granted leave to actively participate in the conduct of pre-trial, trial~~ and post-trial proceedings in this matter.

BY THE COURT:

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Hon. Berle M. Schiller, U.S.D.J.

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(BMS)

**MOTION OF DEFENDANTS BOMBARDIER CORPORATION AND  
BOMBARDIER INC. FOR PRO HAC VICE ADMISSION OF  
KELLY A. WATERS, ESQUIRE**

Defendants Bombardier Corporation and Bombardier Inc. by their attorneys, move this Court for Pro Hac Vice Admission of Kelly A. Waters, Esquire, and aver in support thereof:

1. Defendants Bombardier Corporation and Bombardier Inc. are presently represented in this litigation by Kelly A. Waters, Esq., who is not admitted to practice in this court.

2. Kelly A. Waters is a Partner in the Newark, New Jersey office of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP. She received her undergraduate degree in 1988 from Rutgers College, Rutgers University, and a law degree in 1991 from New York Law School.

3. Ms. Waters was admitted to practice law in the State of New Jersey in 1991. Her license to practice in that State has been continuously in good standing since that time, remains so today and has never been suspended, revoked or in any way impaired.

4. In addition to New Jersey, she is also admitted to practice law in the State of New York since 1992, and she is admitted to practice before the United States Court of International Trade, the United States Third Circuit, Federal Circuit, Northern District of New York, and District of New Jersey. Since her admission to the bar of each of these courts, Ms. Waters has remained in good standing up to and including the present, and has never had her right to practice suspended, revoked or in any way impaired.

5. Ms. Waters has also been granted pro hac vice admission to handle specific matters in the Courts of the Commonwealth of Delaware, Commonwealth of Pennsylvania and the State of Georgia.

6. Ms. Waters has never been and, to the best of her knowledge is not presently, the subject of any investigatory or enforcement proceedings which could result in the suspension, revocation or impairment of her privilege to practice in any of the jurisdictions in which she has appeared.

7. If Kelly A. Waters is permitted to appear before this court, she will familiarize herself with and abide by the local rules, and will associate with the undersigned, as required by Local Rule 83.5.2(a).

WHEREFORE, Defendants Bombardier Corporation and Bombardier Inc. respectfully requests that Kelly A. Waters, Esquire be granted leave to actively participate in pre-trial, trial and post-trial proceedings before this court.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP

BY: 

Jonathan Dryer, Esquire  
Attorney for Defendants Bombardier Corporation  
and Bombardier Inc.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**MEMORANDUM OF LAW**

Local Rule 83.5.2 permits attorneys who are not generally admitted to practice before this court to appear and participate in individual matters on leave of court. In this action, Defendants Bombardier Corporation and Bombardier Inc., seek to have its New Jersey counsel participate in the pre-trial, trial and post-trial stages of this litigation. The proposed representative of the firm, Kelly A. Waters, is presently admitted to in the State Courts of New Jersey and New York, as well as the United States Court of International Trade, The United States Courts of Appeal for the Third and Federal Circuits and the United States District Courts for the Northern District of New York and the District of New Jersey. Ms. Waters has also been granted pro hac vice admission to handle specific matters in the Commonwealth of Pennsylvania, and in the States of Delaware and Georgia. Should the Court grant leave, Ms. Waters will continue to associate with the undersigned as required by Local Rule 83.5.2(a). Under the circumstances, Defendants,

Bombardier Corporation and Bombardier Inc. respectfully requests that this court grant leave for Kelly A. Waters, Esquire to participate as outlined above.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

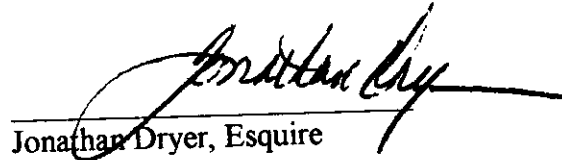
BY: 

Jonathan Dryer, Esquire  
Attorney for Defendants Bombardier Corporation,  
and Bombardier Inc.

**CERTIFICATE OF SERVICE**

Jonathan Dryer, Esquire, attorney for Defendants Bombardier Corporation and Bombardier Inc., certifies that on August 9<sup>th</sup>, 2004 he sent by United States mail, first class, postage prepaid, a true and correct copy of Defendants' Motion for Pro Hac Vice to:

Arthur Alan Wolk, Esq.  
The Wolk Law Firm  
1710-12 Locust Street  
Philadelphia, PA 19103

  
Jonathan Dryer, Esquire

STATE OF NEW JERSEY

: SS

COUNTY OF ESSEX

Kelly A. Waters, Esquire, being duly sworn, deposes and says as follows:

1. I am a partner in the Newark, New Jersey office of Wilson, Elser, Moskowitz, Edelman & Dicker LLP. I received my undergraduate degree in 1988 from Rutgers College, Rutgers University, and my law degree in 1991 from New York Law School.

2. I was admitted to practice in the State of New Jersey in 1991. My license to practice in that state has been continuously in good standing since that time, remains so today and has never been suspended, revoked or in any way impaired.

3. In addition to New Jersey, I am admitted practice in the state courts of New York, as well as the United States Court of International Trade, the United States Courts of Appeal for the Third and Federal Circuits and the United States District Courts for the Northern District of New York and the District of New Jersey. Since my admission to the bar of each of these courts, I have remained in good standing up to and including the present, and have never had my right to practice suspended, revoked or in any way impaired.

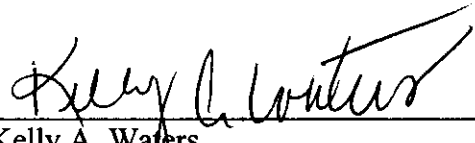
4. I have also been granted pro hac vice admission to handle specific matters in the courts of Delaware, Georgia and Pennsylvania.

5. I have never been and, to the best of my knowledge am not presently, the subject of any investigatory or enforcement proceedings which could result in the suspension, revocation or impairment of my privilege to practice in any of the jurisdictions in which I have appeared.

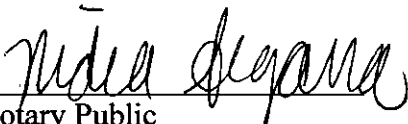
6. If I am permitted to appear before this court, I will familiarize myself with and abide by all state and local rules, and will associate with my partner, Jonathan Dryer, who is duly admitted to practice before this court.



7. The foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Kelly A. Waters

Subscribed and sworn to before me  
This 6 day of August, 2004

  
\_\_\_\_\_  
Notary Public

**NIDIA SEGARRA**  
**Notary Public of New Jersey**  
**My Commission Expires Nov. 9, 2008**